

Foady Bottom Reus

Published for and by the Citizens of Foggy Botttom

March, 1982

Volume 26, No. 6

MEETING

Foggy Bottom Association

Monday, March 29

St. Paul's Parish House 2430 K Street, N.W.

Hans J. Johannsen. Chief, Tree Division DC D.O.T.

All are welcome

8:00 p.m.

Back By Popular Demand

FBA Plans 2nd Annual Block Party

Lucille Duprat

Last year's 25th Anniversary celebration block party was such a success that the Foggy Bottom Association is planning another this year. It will take place Saturday, May 22.

Community groups, such as churches and tenants associations, are again invited to participate by setting up tables for "white elephant," homemade food or bake sales or for sale of produce, plants or nonalcoholic beverages. Lucille Duprat, a member of the FBA executive board, will again this year be the FBA liaison with community groups who wish to participate. Even greater community involvement than last year is anticipated, so groups interested should contract Duprat at 338-7088 as soon as possible. Booth space will be allotted on a firstcome, first-served basis.

A new feature this year will be a silent auction. Maureen Mosher, another member of the FBA board, is looking for people who will, singly or in a group, volunteer services to be auctioned, such as cooking a

meal, catering a party, baby sitting, donating a week or weekend at their beach or ski house or time on their tennis court, providing freshly cut flowers. . . . If you can think of it (within the bounds of propriety), we'll auction it. Donations by commercial establishments are also welcome. If you'd like to contribute or help prepare for the silent auction, call Maureen at 382-6847. She'll need lots of

The FBA will provide live music for dancing, beer, and advance publicity but expects participating groups to provide their own tables, staffing, signs and clean-up.

Join us. It will be fun!

ANC Meeting Tuesday, April 6 7:30 p.m. St. Mary's Court 725-24th Street

DOT's Bus Ban Hearings Contin

Your help is still needed to tributions to the Advisory (ANC 2A) are tax-deductible.

The bus ban on parts of Mews and Snow's Court) has been in force nearly a year. It has protected our neighborhood's residential areas from the excessive noise, air pollution, congestion, and numerous traffic violations produced by buses servicing the River Inn. The ban has come under legal challenge from the hotel, however, and a long and complex hearing process is under way. Two hearings were held in February at which the D.C. Department of Transportation testified.

The neighborhood will present its case at the next hearing, to be held Tuesday, April 13, 1982, at St. Paul's Church. It will start at 9:30 a.m. and probably last until 5 or 6 p.m. Representatives from the River Inn, including its owner Conrad Cafritz, are likely to be there. (Mr. Cafritz is scheduled to testify.) Be sure to come and show your support for D.O.T. and the community!

Two additional hearings defend the bus ban. Many have been scheduled for Tuesneighbors already have at-day, April 20th (probably at tended DOT hearings and St. Paul's Church) at 9:30 a.m. made generous contributions and on Friday, April 23rd toward legal expenses, but the (possibly at DOT offices) at hearings are continuing and 9:30 a.m. Please contact Lila legal costs mounting. Con- Roper at 296-7692 after 6 p.m. to confirm dates and time, or Neighborhood Commission if you have any other questions regarding the hearings).

The local groups supporting 25th, 26th, I Street (including the bus ban - the ANC and Queen Anne's Lane, Hughes the FBA - have received good cooperation from the D.C. Government Nonetheless, they have retained private legal counsel to insure that

local interests are defended. But legal services are costly, and the resources of these groups limited. That is why they must appeal once more for your help.

To make your taxdeductible contribution to preserve the bus ban, clip out the form below and enclose it with a check made out to "ANC 2A." Contributions may be made of up to \$100.

To make your taxdeductible contribution to preserve the bus ban, lip out the form below and enclose it

continued on page 8

Bus Ban Hearings

Director's Order 80-174 April 13, 9:30 a.m. to 5 or 6 p.m. St. Paul's Parish Hall 2430 K Street, N.W. April 20, 9:30 a.m. to 5 or 6 p.m. St. Paul's Parish Hall April 23, 9:30 a.m. to 5 or 6 p.m. **Department of Transportation** 415-12th Street, N.W. Please attend these hearings.

We need your support.



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Remembrance: Eve Street's Gus, pages 4-5.

City Bonds: D.C. residents lose effort to gain control, pages 6-7.

Columbia Hospital: Free course on Diabetes, page 7.

Constitutional Convention Gets Organized

As the Convention to draft a constitution for the District of Columbia completed its first week of official deliberations, delegates were coming to grips with the fact that we will be drafting a document designed to guide the government of the District for years to come. After weeks of seminars and organizational meetings, we must now get down to the task of actually drafting a constitution and

The battles on organization, rules and leadership which received so much play in the press have now given way to a feeling that we have to approach the question before us as constructively as possible. Points of contention from now on will be over constitutional philosophy, but I'm sure we will find ourselves approaching problems pragmatically and with a determination to get things settled. The ninety day time limit hangs over our heads like

grapple with the ninety days in

which we have to do it.

There is a fundamental question: the role the constitu-

the sword of Damocles.

Wesley H. Long, Delegate tion will be designed to play under Statehood. There are those who are concerned about newly acquired rights and thus tend to want a lengthy and detailed constitution. Others feel the document should be short, broadly worded and flexible. This is a real concern, as a danger exists that the document will be reiected by voters or Congress because of one provision or because of misinterpretation.

Ward II delegates were active in setting up the organization of the convention and one of our number, Alexa Freeman, has been elected to the position of second vice president. We have received our committee assignments and are getting down to business on our committees, where most of the work of the convention will be done.

Alexa Freeman serves on the Finance & Taxation and Education Committees. Barbara Maguire serves on the Committees on the Executive and on Local Government. Brian Moore is on the Judiciary Committee and on the Suffrage and Voter Rights Committee. Kenneth Rothschild serves on the Committees on Preamble & Rights and Health, Housing & Social Service; I serve on the Legislature and Economic Development Committees.

The short time we have will not pass so quickly, however, that the public will have no chance to comment on proposals for the Constitution. Meetings are at Convention headquarters on the 9th floor of the University of the District of Columbia building, 10th and E Streets, N.W. They are open to the public, as are committee meetings. The Commitees on Preamble & Rights, the Executive, the Legislature, the Judiciary, and Finance & Taxation meet on Monday and Wednesday evenings at 6:30. The Education, Health, Housing & Social Services; Economic Development; Local Government; and Suffrage Committees meet on Tuesdays and Thursdays at 6:30 p.m. The full Convention meets on Saturdays at noon.

I encourage you to contact a Ward II delegate with your opinions and attend Convention meetings whenever possi-



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Melvin Ogden, Treasurer

Mrs. Miss

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The city of Buffalo, N.Y. and his wife moved to Foggy year, Bill will leave govern-

will soon inherit Foggy Bottom's most famous farmer. Bill Lattin, known to readers of the Foggy Bottom News as the Foggy Bottom Farmer and to insiders as the ghost commentator, Fox von Boom, has decided to migrate north.

Bottom. Bill joined the U.S. Department of Transportation and is now a regional landscape architect there, in charge of environmental development in Virginia, Maryland, Delaware, Pennsylvania, West Virginia and the District of It's been 17 years since Bill Columbia. At the end of this

Lattins Head North

ment service and open a private consultancy in landscape architecture in Buffalo, where the Lattins lived before moving to Washington. Lattin's monthly column

will be sorely missed by readers of the Foggy Bottom News. His chronicles of early morning walks by the Potomac and advice on urban gardening added something unique to our little paper. Who would have thought you could grow potatoes on an apartment balcony or use indoor-outdoor carpeting as a ground shield against weeds in an urban vegetable patch? Bill's love of nature is contagious and his sensitivity to it instructive in more ways than he'll probably ever know.

The Lattin's new neighborhood in Buffalo is "a lot like Foggy Bottom", said Bill, when he called to make sure we'd send him the News each month. His apartment has a balcony and is located near a subway stop, shopping center, and a music theatre, smaller than the Kennedy Center, but a source of culture, nonetheless.

We hope we'll hear from Bill often, even though he's leaving our neighborhood. His endless ideas on how to bring more green to an island of concrete will always be welcome.

Firefighters Say Thanks

Editor:

On behalf of the District of Columbia Fire Fighters Association, Local 36 of the International Association of Fire Fighters, AFL-CIO we wish to say a sincere "thank you" to the members of the Foggy Bottom Association who once again have rallied 'round Engine Company 23, located at 2119 G St., N.W., thus saving it from extinction.

The lobbying efforts of the city fire fighters were aided by the pressure that was applied by the Foggy Bottom Association, George Washington University student groups, the Foggy Bottom/West End ANC and numerous citizens who contacted many Council Members and voiced their opposition to closing their fire house. We deeply appreciate the organizing efforts of Ms.

Terry and Mr. Thomas Precious. These individuals will be remembered by our association as citizens who "chose to get involved."

Finally, we would be remiss if we failed to mention the important role played by City Council Members Dave Clarke and John Wilson who havebeen vocal critics of attempts by Mayor Barry to close this station. Mr. Wilson has always opposed the closing of Station No. 23 and Mr. Clarke, as chairman of the judiciary committee, made the recommendation and urged its adoption that saved Engine Co. 3, located at 439 New Jersey Ave., N.W.

To all of you, from all of us, we extend a tip of the fire helmet for a job well done. Sincerely,

Kenneth M Cox, 2nd Vice Denise Willi, Mr. Edward President, Local 36, IAFF.

Foggy Bottom News

Washington, D.C. 20037

The Foggy Bottom News is a publication of the Foggy Bottom Association. All editorial and other assistance is contributed on a volunteer basis by residents of the area.

..... Kathy Haley 331-7800 Circulation Eleanor Becker

All announcements, letters, articles, etc., welcome but must be typed

FOGGY BOTTOM NEWS

c/o West End Library 24th & L Sts., N.W. Washington, D.C. 2003/

Next issue's deadline: April 3

The opinions expressed in this publication are those of the writers. Their appearance here constitutes neither an endorsement nor official policy of the Foggy Bottom Association.

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ANC NEWS

Excerpts from the March 2 meeting of the Foggy Bottom and West End Advisory Neighborhood Commission (ANC 2A).

The ANC office is located at 1920 G Street, N.W., Washington, DC 20006. Phone number is 659-0011. Meetings are regularly held the first Tuesday of each month at 7:30 PM. The elected members of the Commission for 1982-83 are Jon Nowick, Lou Rigdon, Maria Tyler, Geoffrey Stamm, Steve Levy, Jimmy Molinelli and Ed Terry. Rick Churchill is the administrative assistant.

Barclay House: Commissioner Nowick reported that he had received a reply to his letter to the D.C. Government concerning the legality of the time-sharing sales arrangements at the Barclay House at 2501 K St. An interdepartmental task force, including the Dept. of Housing and the Corporation Counsel, has studied the issue and concluded that the Barclay House is not a condominium but an "estate for years," which it says is a valid existing use. Nowick said the letter left some questions unaswered, and he plans to get back in touch with its authors.

Bus Ban: The ANC heard a report on the progress of the bus ban hearings. Special assistant Lila Roper said the hearing process will take longer than originally expected and that legal expenses are likely to mount (see story, this issue). The Commission expressed appreciation for those private contributions received thus far. The next public hearing is set for April 13 at St. Paul's Church. The public is encouraged to Bob Alcorn, Robert Brewster

ay Care Centers: The ANC took a position on a new zoning case to regulate the placement of day care centers in residential areas. While the ANC did not object to smaller-scale centers locating in residential areas, it expressed concern over provisions that would allow larger ones to locate in the neighborhood's residential areas as a matter of right. A resolution introduced by Commissioner Levy urged specific review requirements for larger centers, such as zoning approvals and distance requirements.

Drunk Driving Bill: The Commission voted to support a bill before Hart of 24th Street will conthe City Council to improve enforcement against drunk drivers. tinue her surveillance and Among other things, the bill sets an alcohol blood level of .10 percent as clear evidence of intoxication, and .05 percent to presume the driver is under the influence. The bill is currently in the Council's Transportation

Firehouse Funding: The ANC reported on the neighborhood's successful efforts to be a successful effort cessful efforts to keep the G Street firehouse open, following a proposal to close it down in the Mayor's FY 1983 draft budget. The final FY 83 budget, which includes funding for it and the M Street firehouse, has been passed by the Council and signed by the Mayor. The Mayor had held during the day for those spoken on the issue before the FBA, and Councilman Clarke before the who do not go out at night was ANC. Commissioner Ed Terry had previously testified against the closings. Thanks were extended to all those citizens who helped.

WU Truck Lot: On the recommendation of Commissioners Stamm Gand Levy, the ANC conditionally withdrew opposition to GWU's temporary use of a truck parking area on campus and recognized the need for such facilities. In return, the University agreed to acknowledge its use of these parking spaces before the Board of Zoning Adjustment. The ANC will continue opposition to the University's application to renew use of two other parking lots in residential areas.

onconforming Use Case: A proposal before the Zoning Commission to liberalize the transfer of the Commission to liberalize the Commission t sion to liberalize the treatment of some nonconforming uses was opposed by the ANC. A resolution drafted by Commissioner Levy voic- and make your check payable ed particular concern that it could promote hotel expansions and in- to the Friends of the West End crease the commercialization of residential zones.

We have just heard from Laird Horrel, West End Branch Librarian, that the book circulation has risen steadily and that during the last week of February, the branch was so busy that should this keep up, he might have to ask for additional help. Mr. Horrell also told us that a large number of new borrowers has been enrolled, some of these coming from the new condos and cooperatives recently completed in the area. We are very pleased with the support of these neighbors and hope to meet many of them

It is a real pleasure to see the great community support in the Foggy Bottom/West End area especially with the other problems besieging the area. Conversions, bus bans, tax increases, and other problems that really take precedence over library matters seem to pale, however, when our library is threatened. Our people realize what an asset their branch is. In addition, whole families are registering for cards so that we like to feel that we are helping the family unit stay together.

On March 3, the Friends of the West End Library met at the Branch to begin incorporation efforts. Given the fact that a number of tenant associations were meeting, the attendence was surprising. Acting on the advice of our attorney, Dan Haslam, it was decided to go ahead with plans, incorporate, and get our tax-free status.

In addition to the chairman, of Queen Anne's Lane, Robert Taylor of the Bonwit, and Paul Winick of Bader agreed to be directors. Gladys Sillman and Lily Carrigan of Potomac Plaza agreed to be cosecretaries. Muriel and Elizabeth Bishoff wished to publicize the Friends at Columbia Plaza and Christine tinue her surveillance and cleanup committee in the garden area surrounding the Branch.

A number of suggestions regarding fund raisers, membership fee levels, and help were discussed and a plan to have extra meetings to be suggested. The Foggy Bottom News will continue to carry our news each month, so that we will be able to reach a much larger audience.

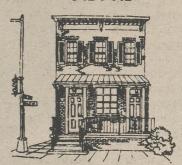
The next meeting of the Friends will be April 5 at 7:30 p.m at the Branch.

We need funds to incorporate. Can you help? Any amount will be appreciated. Please fill in the blank below Branch Library.

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"Gus" - In Memoriam

Maryanna Kieffer

Old irrepressible Gus, friend to all who walked on I Street, defender of our porch and much more that he considered his own, fell to a speeding car and died suddenly during the afternoon of March 4th. I thought that his neighborhood acquaitances, who numbered dozens more than my own, would want to know, so here is Gus's obituary.

From the beginning, Gus was a neighborhood project.

Actually the name "Gus" was short for "Disgusting," a name that evolved sometime after he adopted us, though "Bananas" would have been more apt. Joan Turchin found him on the street one September day in 1978. She brought him to me, as I am generally known as the biggest sucker around when it comes to animals.

He was perhaps four months old and was wearing a blue collar, no tags (why bother collaring an animal if not for identification; one can at least write a phone number on the collar itself). As Joan cradled him in the crook of an arm, paws up, tail flopping over her wrist, he seemed forlorn, sweet, and quiet. That was the first and last time I ever saw Gus awake and quiet.

I agreed to help find a home for him, but complained that I already had three cats and could not possibly take another. Marge White, who would be a bigger sucker for four paws than I but for her allergies, agreed to keep him for a few days. During this time he distinguished his omnivorous self by sneaking a green salad with yogurt dress-

LIMOGE

ing. The boy was a good eater. Marge's allergies prevailed and Gus moved in with (or should I say "on") us, joining ex-waifs Yossarian, Samantha, and Linguini.

All efforts to find a home failed, but not without some assistance from the little fellow himself. We bragged that he was solitary, pawed, feisty, brutish, and short (to borrow something of a phrase from Thomas Hobbes), and that he never scratched the furniture. With the timing of a stand-up comic, the sleeping Gus rose, swaggered across the living room, sank his claws into the front of the stereo speaker, and let 'em rip. We knew then that he was ours

Gus had been with us several months when he had his first brush with an automobile. The result was a broken hind leg. There were two possibilities for treatment: a metal pin inserted into the shaft of the thigh bone (\$500!) or a splint (\$100). We chose the latter, and Gus, only slightly deterred, hobbled around the house for weeks.

When Tom Skiados of Nichol's Food Superette heard of Gus's injury, he decided that we should get some financial assistance. He put a box on his counter with a sign that read "Gus needs an operation so he can walk again." One patron asked if Gus was a child. When told that Gus was a cat, the man replied "Oh, well, in that case. . ." and dropped a dollar in the box. The proceeds of the box amounted to an astonishing \$34, mostly in bills! My husband, Charles Bruce, suggested that we put another box up with a sign reading "Gus

needs to go to college.'

I was determined to make Gus a house cat, although I believe cats are much happier when they can get outside to socialize. I have discovered from a life of raising cats that a kitten kept indoors for six months will stay close to home when finally allowed to go out, whereas a kitten allowed out in his early months will tend to wander widely. As I had had no control over Gus's early training, he was a wanderer. It was worse than that; he was a wild man. Even with a cast on he would run through the house careening off of walls, furniture, and any living thing that got in his way. He threw himself into screened windows and dug furiously at doorjambs.

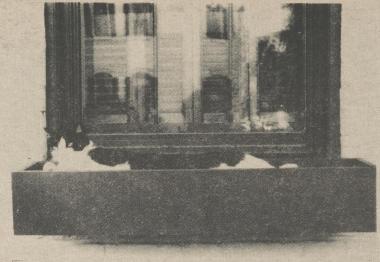
In a compromise gesture, I bought a leash and took him out several times a day. Those of you who know Gus will immediately see the futility in this. He may have been bananas, but he was no sissypuss. He was as likely to spend his life pulling on a leash as pushing a stone endlessly and repeatedly up a mountainside. Leashes were for stupid and docile dogs. Gus intensified his campaign. He began listening for the key to turn in the lock of the front door. Tearing through the house like a lopside torpedo, cast a-thumping, he would take a kamikaze dive through the door (open or not). When he succeeded in getting out more often than I succeeded in slamming the door on my fingers, I surrend-

ed the leash for good. The cast came off, and Gus hit the streets again.

He mainly worked the local rush-hour crowd on the 2400 block of I Street, but was seen (and brought back home) entertaining commuters as they disembarked at the Foggy Bottom Metro stop. Gus loved a forum and was especially fond of Nick's Superette. He would wait patiently outside for Tom to open in the mornings and even knew that Tom reopened at three o'clock after an afternoon break. Once inside, Gus would case the joint, down one aisle, up the other, and would settle either on the main counter or on a shelf where the stock of crackers was low. He got to be such a regular fixture that when Tom re-stocked the shelf the

patrons complained that Gus needed a place to sleep more than anyone could possible need Wheat Thins.

Gus loved everyone. Almost. He hated Samantha. She was his older sister, a street-wise cat from New York City and next above Gus in the purring-order in our house. She hated him too and said all manner of insulting things to him, calling him a hick. You know how New Yorkers are. Gus was merciless. Too old and impatient to mess with him, Samantha finally moved out to live with some neighbors in Snow's Court. that was the meanest thing he ever did. Almost as bad was the attack on Toodie Marie, a Sheltie whose pack includes Debbie Cahill-Zelinka, Bill and little William Zelinka.

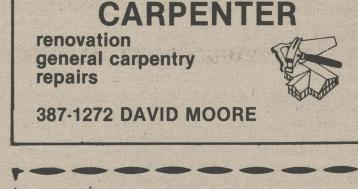


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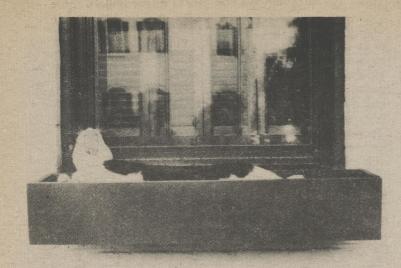
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FITZ AND FLOYD









I assured Debbie that she could bring Toodie in the house one day when they came to visit. The cats were afraid of dogs, I said, and would just hide upstairs. This was a direct challenge to Gus, just like the remark about his not scratching the furniture. He trotted downstairs, took one look at the leash (you remember how he felt about leashes) and flung himself at Toodie's snout. "Scratch your eyes out" is the phrase that comes to mind. As if a bloody Sheltie wasn't enough, he scratched Debbie when she tried to separate them. This episode earned him the name "Killer Kieffer."

Having once drawn human blood, he seemed to develop a lust (or at least a knack) for it. One day I came home to discover that the police had been here looking for Gus. It seems that he had jumped out from behind a bush and attacked a totally innocent pedestrian as she walked past. He pounced on her foot, biting through her tennis shoe, then scampered off gleefully down the street. This startled, injured ailurophobe went to George Washington Hospital Emergency room, which in those boxes. Last year they dutifully reported the bite to even tried putting pungi sticks the D.C. Police. The victim in the dirt to deter him. He on her shoelaces.

later came by to examine Gus, but exonerated him, claiming that the cat who bit her looked like Gus, but was much bigger. I humored her and agreed that Gus would never have done such a thing. There was no doubt in my mind that Killer had struck again. Maybe it was springtime exuberance; maybe it was the little doggies on her shoelaces.

Gus wasn't all bad though. Someone once told me that Gus was the smartest cat he had ever seen. That fellow must have known some pretty slow pusses, because Gus was just plain stupid. We installed a cat door in a window in the back of the house. All a beastie had to do was push it open, in either direction, with his head. Samantha figured it out after one demonstration; Yo and Linguini mastered it in a few days. I must have spent six months shoving Gus through that door before he finally caught on.

A little slow, but he had a definite sense of humor. Gus took to sleeping in our next door neighbors' window boxes. For two years they have not been able to grow anything would just sprawl on top of them. We have window boxes too. Dear little Gus never touched them.

One summer day he was stretched out in the gutter, cooling off, sound asleep. Ira Dosovitz, a long-time fan of Gus, saw Gus and wondered if he had been hurt. True to the hippocratic oath of his profession, Ira picked Gus up and examined him for broken bones. The limp Gus played along with him. When he had had enough cuddling, Gus jumped down and went back to the gutter.

I once watched Gus for half an hour harass a woman who was moving into a nearby apartment. She would take something out of her trunk and turn to close it. Finding Gus inside the trunk, she would have to set the box down, lift Gus out, then close the trunk. The next time she came out Gus would slip into the back seat or stretch out on the dash board. He drove her crazy. What else is a cat do do on a Saturday afternoon?

In Gussies's defense let me say that he was wonderfully playful, not a finicky eater, and cuddly on cold winter nights. Unlike Yo, he didn't fight with other male cats and get so injured as to require a fortune in vet bills. Neither did he ever jump on the dining table and drop unmentionable things in a guest's soup, like Linguini once did.

He was always there in the morning sitting on his manhole cover, making everyone walk around him. He would walk a few paces with Michele Collias on her way to work, then stop to speak to someone else. After baby Laura was born, he would go for long walks with us.

Old irrepressible Gus, friend to all, defender of the porch. Everyone will miss you Gus. Everyone except Samantha and Toodie Marie and that crazy woman with the doggies

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News From 25th & Eye

Her Honor, Margaret Hays, Street any time soon, if ever. However Margaret thoroughly serious one since her retirement to Texas in 1966, and met with former neighbors and friends, among them Kay She got right back into the Thomas Edison is! spirit of Foggy Bottom by firing off a letter respecting the bus ban controversy. * * * *

What do you do when the memories: Margaret Davis the mayor of Gainesville, doctor suggests fewer excur-Texas, visited her old haunts sions up and down your in Foggy Bottom in early townhouse steps? For one February. Because of her new thing, you invent your own avocation, there will be no vertical newspaper delivery return to her home at 914-25th system. Material required: (a) plastic Safeway shopping bag (or similar item) and (b) 50 enjoyed her visit, the first feet of stout rope. Directions: attach (a) to (b); call the newspaper; lower (b) at night to street level and raise it next morning full of Washington Ammon, Dottie Cascioni, Inez Post! You have to be up early Pulver and Morella Hansen. to discover who our local

> A birth announcement recently brought on a flood of

Mainardi and her husband Ed announced the arrival of a son, James Edward, on January 30, in Jersey City. It seemed only yesterday that Margaret Davis' own birth at G.W. Hospital was announced by Nathaniel and Liz Davis, then of 2413 Eye Street, later of 935-26th Street, and now of Newport, R. I. (where Nat is Ambassador-inresidence at the Naval War College). Margaret and the subsequent Davis tribe (Helen, James, and Thomas) were among the first Foggy Bottom "restoration" babies and grew up here between Nat's various foreign services assignments.

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City Bond Issues — Citizens Control?

Jack Phelan, a long-time citizen activist and member of the Capitol Hill Restoration Society (CHRS), has written an interesting article on the attempt by a broad spectrum of D.C. citizens to prevent the commitment of \$100 million to build the convention center - unless citizens approved it by referendum. We lost that fight before the D.C. Court of Appeals. Jack's article goes into both the judicial reasoning and the apparent problem with the city's Home Rule Charter which prevented citizens from having a say in whether the convention center should be built. He further explains a bill before the City Council to require referenda for all future bond authorization acts.

While the ANC has not yet taken any position on the bill, I personally believe that it could help implement more effective control by us, as citizens and taxpayers, over major capital expenditures by the Council. I hope you will read the article and express your views, pro and con, to your single member district commissioner. Thank you.

Steve Levy is chairman of the Foggy Bottom-West End Advisory Neighhorhood Commission (ANC-2A).

A Call For **A** Charter Amendment

By Jack Phelan

In a controversial 5-4 vote, the D.C. Court of Appeals has recently ruled that District voters may not propose initiatives to reverse decisions of our elected officials to issue bonds or borrow funds for construction projects. (Thirtythree states require voter approval for such bond issues or other long-term borrowing.) The decision culminated a two-year effort by citizen groups, including CHRS, to require voter approval of Mayor Barry's \$100 million convention center.

Initiative petitions with 16,000 signatures were first filed with the Board of Elections and Ethics in January, 1979, approximately one year before construction had begun. Mayor Barry, the City Council and some powerful business and labor organizations vigorously opposed placing the convention center issue on the ballot for fear that it would be rejected by the voters. The D.C. Federation of Civic Associations and the D.C. Federation of Citizens Associations, along with approximately 20 other civic groups, representing almost all the citizen and neighborhood organizations in the city, opposed the construction of the

convention center with public funds and supported placing the issue before the voters.

Councilmembers Hilda Mason and Betty Ann Kane were the only members of the City Council who consistently opposed the construction of the convention center and both supported placing the convention center initiative (D.C. Initiative #1) on the ballot. The Board of Elections and Ethics rejected the initiative claiming that it was not a proper subject for initiative under the provisions of the Home Rule Act. Court battles ensued ending with the decision of the 9-judge panel of the D.C. Court of Appeals on October 8, 1981.

D.C. Initiative #1 would

have prevented the D.C. government from continuing to use public funds for the construction or operation of the convention center after the effective date of the initiative. When the petitions were circulated during the fall of 1978, the City Council had already approved a budget request authorizing the borrowing of the first \$27 million for the project. The amendment to the Home Rule Act, approved by District voters in November 1977, provides that citizens of the District may propose initiatives "except to appropriate funds." The issue before the Court revolved around what was meant by the restriction "except to appropriate funds." Attorneys representing the City argued for a restrictive reading of the language in the Charter Amendment claiming that the Council and the voters of the District meant that the limitation should be applied to initiatives that had the effect, not only of appropriating funds, but also of de-appropriation funds. The Corporation Counsel, representing Mayor Barry and the District of Columbia and its citizens, argued that Congressional authority over the District of Columbia would be weakened if citizens could stop the construction of the convention center since Congress approved the project through its control of the District's budgetary process - an interesting twist on the Home

The citizen groups (Convention Center Referendum Committee), represented by William Schultz of Public Citizen Litigation Group, argued (1) that there is only one restriction on the power of citizens to propose legislation, i.e. citizens may not "appropriate" funds; (2) that D.C. Initiative #1 did not "appropriate funds" as is commonly defined in the law; (3) that no other statutory prohibition exists in the U.S. Constitution, the D.C. Charter or any other federal statute, to

prevent citizens from proposing initiatives having the effect of stopping the expenditure of public funds; and (4) that the Court ought to follow the legal precedent of broad interpretation of voting rights under the powers of initiative and referendum whenever there is doubt about what should or should not be permitted to be placed on the ballot. The theory here is that if the initiative is approved by the people and someone wants to challenge its constitutionality of legality, that process is not foreclosed in any way by allowing the question to reach the ballot.

Politically, however, it would have been very difficult for Mayor Barry to attempt to overturn an initiative if it had broad-based support from the people of the District. Therefore, every effort had to be made by the proponents of the publicly financed convention center to prevent a public vote. (Recently the voters of San Diego, California, using a mail-in ballot, turned down a proposal to use public funds for the construction of a major convention center by a vote of 60 percent to 40 percent with a voter turn-out of over 70 percent.)

Judge Ferren, writing for the majority, describes how the Court determined that the restriction "except laws appropriating funds" applied to D.C. Initiative #1 even thought the initiative would have had the exact opposite

effect:

"Accordingly, we conclude that the 'laws appropriating funds' exception prevents the electorate from using the initiative to (1) adopt a budget request act or make some other affirmative effort to appropriate funds, or to (2) block the expenditure of funds requested or appropriated as of the effective date of the initiative act" (emphasis added).

A budget is officially "requested" when the Council approves the budget and it is signed by the Mayor and forwarded to the President. The budgetary cycle is started when the Major submits the annual budget to the Council. It is at this time that the citizens and the Council first see what capital projects the Mayor plans for the next fiscal year. The Home Rule Act requires that the Council adopt a budget within 50 calendar days. According to Judge Ferren, once the Council adopts a budget the citizens may not propose an initiative that would repeal spending authority approved in that budget such as a convention center, a highway or any other major expenditure of public funds such as the multi-million dollar subsidy proposed by the Mayor for the Capital Gateway Corporation.

BONDS

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Therefore, as a practical matter, the plurality's decision effectively blocks all future initiatives to affect the budget of the District of Columbia since it is impossible to complete the initiative process within the 50-day period when the Council is considering the budget a classic Catch-22 situation. The initiative process takes a minimum of nine months from start to finish. One of the most unfortunate aspects of this decision is Judge Ferren's deceptive claim that it will not block future initiatives concerning budgetary matters but that it only affects the convention center. Judge Ferren asserts that:

"Once the electorate learns of plans for a capital project (in a budget request by the Mayor), such as the convention center. . . it has the ability to initiate legislation to stop the project in a timely, cost-effective way before the District has broken ground."

It is the situation Associate Judge George R. Gallagher addresses in his fiery dissenting opinion, believed by some court observers to be one of the strongest issued in recent years. Judge Gallaher claims that the court bowed to political pressure and thus failed to protect the voting rights of District citizens.

"If the people is this city think that just because their Charter gives them the right to vote by initiative on legislation properly proposed by the citizenry this right will be enforced by this court, they will now know better. In a touch of irony, the majority today votes for a voteless District of Columbia - on this major question of public policy. A group of 15,000 petitioners has been trying since October, 1978 to exercise their Charter given right and now, almost three years later, in opinions resting on convoluted reasoning which can only be described as resentful of the attempt, the citizenry now learns that voting right they thought they had under the Charter was only an illusion."

"We should enforce the Home Rule Charter as it is plainly written. I do not subscribe to the sophomoric view that whenever the prestige of the new Home Rule government is perceived to be at stake this court should abdicate its rightful judicial function and somehow find a way to support City Hall - no matter how far-fetched the reasoning. That is not the stuff that strong and enduring governments are made of in this country. It is one thing for a fledgling government to nion, in particular, is cleverly falter and deprive fundamen- crafted so as to stop the voters tal Charter rights in the pro- at almost every turn, as a prac-

cess of finding its way toward political maturity. It is quite another matter for this court to do so, being an institution tempered by forty years of decision-making, with every reason to be free from political pressures, and with the judicial traditions and experience of two centuries at our elbow to consult continually. For the court, there is no excuse. We are expected to be enlightened, dispassionate, and guided by reason and experience.

"Instead, what we have here is a decision by the court fashioned entirely to support the other branches of government. In doing so, the majority has lost sight of the judicial function, with the result that it has dealt a gratuitous blow to true Home Rule government."

"The principal question raised by the plurality opinion revolves around the meaning of a familiar English words constituting a single phrase, 'laws appropriating funds' . . . Our first task is to explain what the Charter language 'laws appropriating funds,' means."

. . "Now that seems plain enough. The electors may propose laws, except that they may not propose laws appropriating funds. The electors here did not propose an appropriation law. They proposed that a Convention Center be not constructed. This is the opposite of enacting an appropriations law. Only one bent on some other mission would find this to be a proposal for an appropriation of funds. Does it have an impact on a prior appropriation? Everything in government costs money and all legislation has some sort of an impact on the budget, including the recent gambling initiatives which have sailed through to a vote, unmolested.

"The plurality avoids the plain meaning of 'laws appropriating funds' by asserting, with seeming despair that the phrase is too ambiguous for the unassisted mind to comprehend."

Judge Gallagher went on to quote from the plurality deci-

"In construing the amendment, we must weigh two major public interest concerns of he Council reflected in the Charter Amendments - the elector's right of the initiative and reasonable fiscal management — with a view to enhancing the value of each without undue intrusion on the other.

Only in bygone years has political expression by vote been subjected to so many prior restrains as those laid down here. The plurality opi-

tical matter. I make the dire prediction that in the early future there will be a judicial effort to apply the plurality opinion so as to deny future attempts to exercise the voting initiative franchise on proposals considered 'unpopular' in government circles.

"The court and the bar will be years untangling this case. This is what happens when the judiciary foresakes its true role. I do not have the slightest hesitation in saying this decision diminshes the court. I dis-

A remedy for the unfortunate results of this decision has been proposed by Councilmember Betty Ann Kane. Mrs. Kane has introduced Bill 4-261, to amend the Charter to require referendums on all future bond authorization acts of the Council. Since convention centers and highway projects are financed by long-term general obligation bonds, and since the District will soon be required to finance these projects with bond issues rather than the current method of U.S. Treasury borrowings, this bill will result in a major expansion of voting rights of District residents. For example, if this bill is soon enacted, Mayor Barry's proposal to issue long-term bonds to finance operating deficits incurred over the past three years would require voter approval. While the Mayor's proposal is now stalled in the Congress, it is possible that he will be successful in the near future in getting Congressional support. CHRS has taken a position of opposing the issuance of \$184 million in long-term bonds to pay off operating deficits. We have also taken a position of support for the Kane Charter Amendment bill. Consistent with the position he has taken on the Convention Center initiative, Mayor Barry opposes permitting District residents the right to vote on bond

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The Foggy Bottom Pantry, unemployed. Persons wanting to use the service may come to the G Street entrance of the United Church for pick up. Special arrangements can be made for delivery to the home

The Pantry is jointly spon-The Pantry serves Foggy sored by the United Church and St. Stephen Martyr Church at 25th and Pennsylvania Ave. NW. To learn more or to volunteer your services, call Father Begg at 785-0983 or Reverend Morse at 331-1495.

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A free 10-week course on Diabetes will be offered at Columbia Hospital for Women, the evenings of April 7, 14, 21, 28 and May 5, from 7:00 - 9:00 P.M. (5th Floor Conference Room).

The course is conducted by the American Diabetes Association and is open to all diabetics, and concerned family members. The course is designed to offer a complete overview of diabetic management covering basic medical information, general anatomy, urine testing, insulin administration, diet planning, exercise, special care for feet, eyes, and current research efforts.

If you are a diabetic or know of someone who might benefit from this course, please call the American Diabetes Association to register, at 657-8303. PLEASE NOTE: The class is not for professionals but is designed for and limited to 25 interested persons who need first hand information on diabetes in coping with their condition on a day to day basis.

Columbia and the ADA are pleased to offer this high quality course as a community service, and will offer subsequent courses if there is sufficient demand. There are no fees involved; parking is available in the evening on Columbia's lot (entrance on 24th Street).

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Peoples Life Exhibits Local Art

The D.C. Slide Registry of Artists, Inc., and Peoples Life Insurance Company have joined hands in a unique pilot venture to support and display the works of local area artists throughout 1982 at the Washington, D.C.-based life insurer's headquarters, at 601 New Hampshire Avenue, N.W.

The year-long series of five exhibits marks the Slide Registry's initial venture with the Washington business community.

The current exhibition at Peoples Life will appear through March 31 and includes watercolors, lithographs, silkscreens, etchings, viscosity/collages and acrylics

by Virginia Knepper, Vivian sional recourse for more than deKosinsky, Deborah Ellis, Marguerite Richards, Jeanne Garant, Phyllis Altmann, Marcel, Helga Thomson and Dianne Bugash.

"Our association with the D.C. Slide Registry provides Peoples Life with an opportunity to support the local cultural community at a time when private sector involvement in the arts is particularly critical," said David E. Sams, Jr., Executive Vice President of Peoples Life. The D.C. Slide Registry, located in the Washington Humanities and Arts Center on 7th Street, N.W., serves as a visual arts clearinghouse in the Metropolitan area. A profes-

600 visual artists in the Washington, D.C. area, the Registry houses slides and other information on over 4,000 varying works of art.

An active supporter of the local area cultural community, Peoples Life has been a principal sponsor of the Beethoven Pops concert series since the inception of the series in 1979. Peoples Life's headquarters in Foggy Bottom was dedicated in 1959 and presently houses over 400 people supporting an organization of over 1,600 sales, services and administrative representatives spanning 18 states and the District of Columbia.

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Bus Ban

continued from page 1

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The ANC and FBA would particularly like to thank the following neighbors who have already contributed to this effort: May L. Aaberg, Kathryn L. Ammon, Helen Andresen, Ellie Becker, Benita Belden, Virginia Bell, Mary Brewster, Robert Brewster, Donna Brodsky, Philip Buchen, Dorothy Bunevich, Irving Bunevich, Patricia Chabrier, Paul Chabrier, Deborah DuSault, Maureen Enders, Guillermo Espinosa, Fujii, Nancy Gallup, William 925 25th Street Tenants Assn.

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Historic Survey Continues

A survey to find buildings of historic, architectural or social significance is underway in Foggy Bottom. Under the direction of Traceries Inc., a downtown consulting firm, volunteers are photographing every building in the neighborhood and researchers are compiling historical information. The Foggy Bottom Association and the Foggy Bottom West End Advisory Neighborhood Commission have donated \$1,000 and \$1,500, respectively, to defray some of the costs of this effort. They would like to thank the following people and companies for their contributions: Margaret McKiever, William Zajac, Maureen Endus, John Landgraf, Pennsylvania House Construction, Lenkin Company, Edna Falbo, David Marshall Associates, 2200 N Street Associates, Oliver Carr, Julie Sutton and The Hellman Company Inc.



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